

AMENDED IN ASSEMBLY APRIL 28, 2011

AMENDED IN ASSEMBLY APRIL 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 1152**

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**Introduced by Assembly Members Chesbro and Cook**

February 18, 2011

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An act to amend Sections 10932 *and* 10933 of the Water Code, relating to groundwater.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1152, as amended, Chesbro. Groundwater.

**Existing**

(1) *Existing* law authorizes specified entities to assume responsibility for monitoring and reporting groundwater elevations in all or a part of a groundwater basin or subbasin. Existing law requires an entity seeking to assume those functions to notify the Department of Water Resources, and requires the department to determine which entities will perform monitoring functions. Existing law requires monitoring entities to commence monitoring and reporting groundwater elevations on or before January 1, 2012.

This bill would authorize a monitoring entity to report groundwater elevations using specified alternate monitoring techniques for certain groundwater basins and subbasins meeting prescribed conditions. The bill would condition this authorization upon submission of a report to the department and a determination by the department that the monitoring entity may use the alternate monitoring techniques. The bill would require a monitoring entity, every 3 years, to submit to the

department information establishing its continued eligibility to use the alternate monitoring techniques.

*(2) Existing law requires the department to identify the extent of monitoring of groundwater elevations that is being undertaken within each groundwater basin or subbasin. If the department determines that all or part of a basin or subbasin is not being monitored, the department is required to attempt to contact all well owners within the area not being monitored and determine if there is an interest in establishing a specified groundwater management plan, integrated regional water management plan, or voluntary groundwater monitoring association. If the department determines that there is insufficient interest in establishing a plan or association, and the county decides not to perform groundwater monitoring and reporting functions, the department is required to determine whether existing monitoring wells provide sufficient information to demonstrate seasonal and long-term trends in groundwater elevations. If the department determines that the monitoring wells provide insufficient information to demonstrate those trends, and the State Mining and Geology Board concurs with that determination, the department is required to perform groundwater monitoring functions.*

*This bill would delete the requirement that the State Mining and Geology Board concur with the department's determination regarding the sufficiency of information provided by existing monitoring wells for purposes of the department's performance of groundwater monitoring functions.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 10932 of the Water Code is amended to
- 2 read:
- 3 10932. (a) Monitoring entities shall commence monitoring
- 4 and reporting groundwater elevations pursuant to this part on or
- 5 before January 1, 2012.
- 6 (b) For purposes of reporting groundwater elevations pursuant
- 7 to this part, and subject to subdivision (c), a monitoring entity may
- 8 use alternate monitoring techniques for a basin or subbasin, instead
- 9 of monitoring groundwater elevations directly through monitoring

1 wells, if the basin or subbasin meets any of the following  
2 conditions:

3 (1) Groundwater elevations are unaffected by land use activities  
4 or planned land use activities, or naturally occurring total dissolved  
5 solids within the groundwater preclude the use of that water.

6 (2) It is underlying land that is wholly owned or controlled,  
7 individually or collectively, by state, tribal, or federal authorities,  
8 and groundwater monitoring information is not available.

9 (3) It is underlying an area where geographic or geologic  
10 features make monitoring impracticable, including, but not limited  
11 to, a basin or subbasin that is inaccessible to well-drilling  
12 equipment.

13 (c) Before using an alternate monitoring technique pursuant to  
14 subdivision (b), a monitoring entity shall submit to the department  
15 a report, signed by a professional geologist registered pursuant to  
16 Section 7850 of the Business and Professions Code, setting forth  
17 the factual basis and supporting documentation demonstrating that  
18 the basin or subbasin meets any of the conditions set forth in  
19 subdivision (b). Upon receiving the report, the department shall  
20 determine, in its discretion, whether the monitoring entity may use  
21 an alternate monitoring technique, and the alternate monitoring  
22 techniques that may be used, for the basin or subbasin. For a basin  
23 or subbasin that the department has determined is eligible to use  
24 an alternate monitoring technique, the department shall determine  
25 whether information provided by the monitoring entity using the  
26 alternate monitoring technique is sufficient to comply with the  
27 monitoring and reporting requirements of subdivision (a).

28 (d) (1) Within 60 days of finding that a basin or subbasin no  
29 longer meets any of the conditions set forth in subdivision (b), the  
30 monitoring entity shall report that finding to the department. Not  
31 later than 12 months after providing that report, the monitoring  
32 entity shall commence monitoring and reporting groundwater  
33 elevations using monitoring wells.

34 (2) A failure to comply with the report requirements of  
35 paragraph (1) shall constitute noncompliance with the monitoring  
36 and reporting requirements of subdivision (a).

37 (e) Every three years following an initial determination by the  
38 department pursuant to subdivision (c), a monitoring entity shall  
39 submit sufficient information, as may be determined by the

1 department, establishing its continued eligibility to use alternate  
2 monitoring techniques in accordance with this section.

3 (f) A determination by the department pursuant to this section  
4 shall be final and conclusive.

5 (g) For purposes of this section, an “alternate monitoring  
6 technique” may include, but is not limited to, one or more of the  
7 following, as the department may determine to be appropriate:

8 (1) Hydrologic records for the basin or subbasin.

9 (2) Well permits or similar reports from within the area  
10 overlying the basin or subbasin.

11 (3) Aerial photographs.

12 (4) Remote sensing data.

13 *SEC. 2. Section 10933 of the Water Code is amended to read:*

14 10933. (a) On or before January 1, 2012, the department shall  
15 commence to identify the extent of monitoring of groundwater  
16 elevations that is being undertaken within each basin and subbasin.

17 (b) The department shall prioritize groundwater basins and  
18 subbasins for the purpose of implementing this section. In  
19 prioritizing the basins and subbasins, the department shall, to the  
20 extent data are available, consider all of the following:

21 (1) The population overlying the basin or subbasin.

22 (2) The rate of current and projected growth of the population  
23 overlying the basin or subbasin.

24 (3) The number of public supply wells that draw from the basin  
25 or subbasin.

26 (4) The total number of wells that draw from the basin or  
27 subbasin.

28 (5) The irrigated acreage overlying the basin or subbasin.

29 (6) The degree to which persons overlying the basin or subbasin  
30 rely on groundwater as their primary source of water.

31 (7) Any documented impacts on the groundwater within the  
32 basin or subbasin, including overdraft, subsidence, saline intrusion,  
33 and other water quality degradation.

34 (8) Any other information determined to be relevant by the  
35 department.

36 (c) If the department determines that all or part of a basin or  
37 subbasin is not being monitored pursuant to this part, the  
38 department shall do all of the following:

39 (1) Attempt to contact all well owners within the area not being  
40 monitored.

1 (2) Determine if there is an interest in establishing any of the  
2 following:

3 (A) A groundwater management plan pursuant to Part 2.75  
4 (commencing with Section 10750).

5 (B) An integrated regional water management plan pursuant to  
6 Part 2.2 (commencing with Section 10530) that includes a  
7 groundwater management component that complies with the  
8 requirements of Section 10753.7.

9 (C) A voluntary groundwater monitoring association pursuant  
10 to Section 10935.

11 (d) If the department determines that there is sufficient interest  
12 in establishing a plan or association described in paragraph (2) of  
13 subdivision (c), or if the county agrees to perform the groundwater  
14 monitoring functions in accordance with this part, the department  
15 shall work cooperatively with the interested parties to comply with  
16 the requirements of this part within two years.

17 (e) If the department determines, with regard to a basin or  
18 subbasin, that there is insufficient interest in establishing a plan  
19 or association described in paragraph (2) of subdivision (c), and  
20 if the county decides not to perform the groundwater monitoring  
21 and reporting functions of this part, the department shall do all of  
22 the following:

23 (1) Identify any existing monitoring wells that overlie the basin  
24 or subbasin that are owned or operated by the department or any  
25 other state or federal agency.

26 (2) Determine whether the monitoring wells identified pursuant  
27 to paragraph (1) provide sufficient information to demonstrate  
28 seasonal and long-term trends in groundwater elevations.

29 (3) If the department determines that the monitoring wells  
30 identified pursuant to paragraph (1) provide sufficient information  
31 to demonstrate seasonal and long-term trends in groundwater  
32 elevations, the department shall not perform groundwater  
33 monitoring functions pursuant to Section 10933.5.

34 (4) If the department determines that the monitoring wells  
35 identified pursuant to paragraph (1) provide insufficient  
36 information to demonstrate seasonal and long-term trends in  
37 groundwater elevations, ~~and the State Mining and Geology Board~~

- 1 ~~concurs with that determination,~~ the department shall perform
- 2 groundwater monitoring functions pursuant to Section 10933.5.

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